

**PHYSICAL THERAPY BOARD OF CALIFORNIA****Consumer Protection Services Program**

1418 HOWE AVENUE, SUITE 16, SACRAMENTO, CA 95825-3204  
TELEPHONE (916) 561-8200 FAX (916) 263-2560 TOLL FREE 1-800-832-2251  
INTERNET <http://www.ptb.ca.gov>  
EMAIL [cps@dca.ca.gov](mailto:cps@dca.ca.gov)

November 24, 2003

Citation No. 03-04-0086

Demetrius D. Cruz  
5225 Riverton Ave., #3  
North Hollywood, CA 91601

**CITATION**

Investigation of a complaint submitted revealed actions taken by you which violate sections of the law regulating the practice of physical therapy.

The Physical Therapy Board of California received a complaint alleging that you evaluated and treated patients independent of the supervision of a licensed physical therapist at Rehab. Centre of Beverly Hills.

**FIRST CAUSE FOR CITATION**

*1. 2630 of the Business and Professions Code*

*It is unlawful for any person or persons to practice or offer to practice, physical therapy in this state for compensation received or expected, or to hold himself or herself out as a physical therapist, unless at the time of so doing the person holds a valid, unexpired, and unrevoked license issued under this chapter.*

On January 22, 2003, an interview was conducted by the Division of Investigation, Department of Consumer Affairs, and you admitted to have provided physical therapy to patients for approximately 2 - 3 weeks without the supervision of a licensed physical therapist being actually assigned to you. You further stated to the investigator that during this time of late December 2002 to mid January 2003, you conducted independent patient assessments and screenings, and physical therapy procedures.

Based on records reviewed by the Board's expert consultant, it was confirmed that you practiced physical therapy autonomously on the following patients<sup>1</sup>:

**Resident #3:**

Rehabilitation Screening: Applicant provided rehabilitation screening this as evidenced by entries dated 11/23/02 and 12/12/02 under "Observations and Comments". No documentation of a licensed physical therapist's review or supervision.

**Resident #5:**

Physical Therapy Daily Progress - Entries dated 12/31/02, 1/13/03, 1/14/03 and 1/27/03 indicate you provided physical therapy services to these patients. No documentation or "co-signature" by a licensed physical therapist to document supervision or oversight.

RNA - Referral Form This document indicates that you performed a physical therapy assessment of this patient on 1/22/03. There is no documentation to show that a licensed physical therapist reviewed or supervised this assessment.

P.T. Evaluation - This document indicates that you performed the initial P.T. evaluation on 12/31/02. No documentation of a licensed physical therapist's review or supervision.

Rehabilitation Screening - You provided rehabilitation screening this as evidenced by your entries dated 12/31/02 under "observations and comments." No documentation of a licensed physical therapist's review or supervision.

**Resident #9**

PT Daily Progress - Entries dated 12/30/02, 1/9/03 and 1/20/03 indicate that you provided physical therapy services to this patient; however, there are no "co-signatures" by a licensed physical therapist to document supervision oversight.

Weekly Summary of Progress - weekly progress note entries dated 12/3/02 and 1/20/03; No documentation of a licensed physical therapist's review or supervision.

---

<sup>1</sup>. Numbers are used to identify each patient and to protect the patients' privacy. The full names will be provided upon request.

P.T. Evaluation - This document indicates you performed the initial physical therapy evaluation on 12/24/02. No documentation of a licensed physical therapist's review or supervision.

#### **Resident #11**

PT Daily Progress - Entry dated 1/16/03 indicate that you provided physical therapy services to this patient; however, there are no "co-signatures" by a licensed physical therapist to document supervision oversight.

P.T. Evalaution - This document indicates you performed the initial physical therapy evaluation on 1/16/03. No documentation of a licensed physical therapist's review or supervision.

Rehabilitation Screening - You provided rehabilitation screening this as evidenced by your entry dated 1/16/03 under "Observations and Comments." No documentation of a licensed physical therapist's review or supervision.

#### **Resident 12**

PT Daily Progress - Entry dated 1/03/03 indicate that you provided physical therapy services to this patient; however, there is no "co-signature" by a licensed physical therapist to document supervision oversight.

Weekly Summary of Progress - Cruz made weekly progress note entry on 1/9/03 for this patient. No documentation of a licensed physical therapist's review or supervision.

#### **Resident 13**

PT Daily Progress - Entries dated 1/21/02, 1/22/03, 1/23/03 and 1/24/03 indicate that you provided physical therapy services to this patient; however, there is no "co-signature" by a licensed physical therapist to document supervision oversight.

P.T. Evaluation - This document indicates you performed the initial physical therapy evaluation on 1/21/03. No documentation of a licensed physical therapist's review or supervision.

Rehabilitation Screening - You provided rehabilitation screening and this is evidenced by your entry dated 1/21/03 under "Observations and Comments." No documentation of a licensed physical therapist's review or supervision.

**Resident 19**

PT Daily Progress - Entries dated 12/27/02, 1/3/03 and 1/6/03, 1/7/03, 1/8/03, 1/9/03, 1/14/03, 1/20/03, 1/23/03 and 1/24/03 indicate that you provided physical therapy services to this patient; however, there is no "co-signature" by a licensed physical therapist to document supervision oversight.

Weekly Summary of Progress - Cruz made weekly progress note entries on 1/7/03, 1/14/03 and 1/27/03 for this patient. No documentation of a licensed physical therapist's review or supervision.

**Resident 20**

PT Daily Progress - Entries dated 1/24/03 indicates that you provided physical therapy services to this patient; however, there is no "co-signature" by a licensed physical therapist to document supervision oversight.

RNA Referral Form - This document indicates you performed a physical therapy assessment of this patient on 1/21/03. No documentation of a licensed physical therapist's review or supervision.

P.T. Evaluation - This document indicates you performed the initial physical therapy evaluation on 1/24/03. No documentation of a licensed physical therapist's review or supervision.

Rehabilitation Screening - You provided rehabilitation screening and this is evidenced by your entries dated 1/21/03, 1/23/03 and 1/24/03 under "Observations and Comments." No documentation of a licensed physical therapist's review or supervision.

**Resident #22**

PT Daily Progress - Entries dated 1/20/03 and 1/21/03 indicates that you provided physical therapy services to this patient; however, there is no "co-signature" by a licensed physical therapist to document supervision oversight.

It was further admitted by Jacob Cohen, President of The Rehab Centre of Beverly Hills that you were allowed to work unsupervised and that it was not until an inspection by the Department of Health Services came into the facility to conduct a routine survey, that you were told you could not work unsupervised until you received your California physical therapist license. Mr. Cohen stated that at that point, you were stopped from working and did not return to the facility until you received your license on 2/21/03.

Based on these findings, you are subject to a Citation and Fine and are hereby issued to you in accordance with Section 125.9 of the Business and Professions Code.

## **SECOND CAUSE FOR CITATION**

### *2. 1399.10 of the California Code of Regulations*

#### *Supervision of Physical Therapist Licensed Applicants*

You are subject to a Citation and Fine under this section of the CCR in that you engaged in providing physical therapy services autonomously without the supervision of a licensed physical therapist. The circumstances are as follows:

The facts and circumstances alleged in the First Cause for Citation are incorporated here as if fully set forth.

## **ORDER**

Further, **you are ordered to pay a fine of \$1,600.00** to the Physical Therapy Board of California within 30 days after receipt of this Citation.

If you wish to contest all or any part of this Citation, complete the enclosed "Notice of Appeal -Request for Informal Conference" form and return it to this office within 10 days after receipt of this Citation. The date indicated on the order of abatement will be held in abeyance only for any violation(s) you wish to contest. The time to correct all uncontested violations will be adhered to as specified. In the alternative, you may, within 30 days after receipt of this Citation, request a formal administrative hearing before an administrative law judge under the Administrative Procedure Act.

**FAILURE TO RETURN THE REQUEST FOR INFORMAL CONFERENCE FORM OR  
TO REQUEST AN ADMINISTRATIVE HEARING WITHIN THE TIMES  
INDICATED WILL WAIVE YOUR RIGHT TO ADMINISTRATIVELY CONTEST  
OR APPEAL THIS CITATION.**

Administrative Fine

\$ 1,600.00

FOR YOUR PROTECTION AND TO ASSURE PROPER CREDIT,  
PLEASE RETURN THE COPY OF THE CITATION  
AND NOTE THE CITATION NUMBER ON YOUR CHECK  
OR MONEY ORDER.

November 24, 2003  
Date

Original Signed By:  
\_\_\_\_\_  
STEVEN K. HARTZELL  
Executive Officer



**PHYSICAL THERAPY BOARD OF CALIFORNIA**  
**Consumer Protection Services Program**

1418 HOWE AVENUE, SUITE 16, SACRAMENTO, CA 95825-3204  
TELEPHONE (916) 561-8200 FAX (916) 263-2560 TOLL FREE 1-800-832-2251  
INTERNET <http://www.ptb.ca.gov>  
EMAIL [cps@dca.ca.gov](mailto:cps@dca.ca.gov)

**ORDER OF ABATEMENT**

November 24, 2003

Citation Against: Demetrius D. Cruz

Citation No. 03-04-0086

Item No. 1

Violations: Business and Professions Code Section 2630 .

Description:

It is unlawful for any person or persons to practice or offer to practice, physical therapy in this state for compensation received or expected, or to hold himself or herself out as a physical therapist, unless at the time of so doing the person holds a valid, unexpired, and unrevoked license issued under this chapter.

Order of Correction

You are hereby ordered to abate this violation immediately and to cease and desist from further violation.

Failure to comply with the provisions of this Citation and Order of Abatement within 30 days of receipt may result in further legal action.